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ALLSTATE NORTHBROOK INDEMNITY COMPANY
8 erroneously sued as Allstate Indemnity Company

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 SACRAMENTO DIVISION
12

13 JAMES GLORIA,

14 Plaintiff,

15 v.

16 ALLSTATE INDEMNITY COMPANY,
17 a business entity; and DOES 1 through 50,
18 inclusive,

19 Defendants.
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Case No. 2:22-cv-01126-WBS-CKD

**STIPULATION TO MODIFY
SCHEDULING ORDER AND BRIEFING
SCHEDULE RE CROSS-MOTIONS FOR
SUMMARY JUDGMENT; ORDER**

Hon. William B. Shubb
Courtroom 5, 14th Floor

Magistrate Judge Carolyn K. Delaney
Courtroom 24, 8th Floor

1 This stipulation is hereby entered into by and between plaintiff James Gloria and defendant
2 Allstate Northbrook Indemnity Company, by and through their respective counsel, for the purpose
3 of modifying the Court's Scheduling Order (Docket No. 14) and Order Modifying the Briefing
4 Schedule on Cross-Motions for Summary Judgment (Docket No. 16).

5 Whereas, the parties are in the process of conducting the discovery that is necessary for the
6 filing of their cross-motions for summary judgment;

7 Whereas, plaintiff has completed the first session of the deposition of Allstate's person
8 most knowledgeable and the parties will schedule a second session to take place on a mutually
9 convenient date;

10 Whereas, plaintiff has further noticed the deposition of a former Allstate employee,
11 however the witness may need to be subpoenaed;

12 Whereas, the parties have discussed the other witnesses who will need to be deposed in
13 this case and are working on scheduling depositions;

14 Whereas, during a recent deposition, Allstate learned that there are additional documents
15 contained in its claim file that were not produced by prior defense counsel and which Allstate's
16 current counsel is preparing for production;

17 Whereas, in response to written discovery, Allstate is preparing the relevant non-privileged
18 portions of its claim handling manuals for production;

19 Whereas, the parties have met and conferred regarding the filing of cross-motions for
20 summary judgment and agree that such motions would be appropriate in this case;

21 Whereas, the parties would like to defer the time and expense of expert discovery and
22 certain fact discovery until after the Court has ruled on the cross-motions for summary judgment;

23 Whereas, the current filing deadline for the parties' cross-motions for summary judgment
24 is August 7, 2024;

25 Whereas, the current filing deadline for the parties' oppositions to cross-motions for
26 summary judgment is September 4, 2024;

27 Whereas, the current filing deadline for the parties' reply briefs in support of their cross-
28 motions for summary judgment is September 17, 2024;

1 Whereas, the current hearing date for the parties' cross-motions for summary judgment is
2 September 30, 2024 at 1:30 p.m.;

3 Whereas, the current deadline to disclose experts and produce expert reports is October 11,
4 2024;

5 Whereas, the current deadline to disclose rebuttal experts and produce rebuttal expert
6 reports is November 8, 2024;

7 Whereas, the current discovery completion date is November 15, 2024;

8 Whereas, the current deadline to file all motions, except motions for continuances,
9 temporary restraining orders, or other emergency applications, is December 13, 2024;

10 Whereas, the final pretrial conference is currently scheduled for February 24, 2025, at 1:30
11 p.m.;

12 Whereas, trial is currently scheduled for April 15, 2025 at 9:00 a.m.;

13 Whereas, the parties have met and conferred and agree that the foregoing case management
14 dates and deadlines should be continued to allow additional time to conduct the discovery needed
15 to file cross-motions for summary judgment and to set a briefing schedule for those motions such
16 that any remaining discovery (including expert discovery) can be deferred until after the Court
17 rules on the parties' cross-motions;

18 Therefore, subject to the Court's approval, the Parties, by and through their respective
19 attorneys of record, hereby stipulate to modify the Court's Scheduling Order (Docket No. 14) and
20 Order Modifying the Briefing Schedule on Cross-Motions for Summary Judgment (Docket No.
21 16), as proposed below:

22 1. The parties' cross-motions for summary judgment shall be filed on or before
23 January 22, 2025;

24 2. Any opposition to the parties' cross-motions for summary judgment shall be filed
25 on or before February 19, 2025;

26 3. Any reply brief in support of the parties' cross-motions for summary judgment
27 shall be filed on or before March 4, 2025;

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4. The hearing date for the parties' cross-motions for summary judgment shall be scheduled for March 17, 2025 at 1:30 p.m.;

5. The deadline to disclose experts and produce expert reports shall be continued to June 4, 2025;

6. The deadline to disclose rebuttal experts and produce rebuttal expert reports shall be continued to July 3, 2025;

7. The discovery completion date shall be continued to July 17, 2025;

8. The deadline to file all motions, except motions for continuances, temporary restraining orders, or other emergency applications, shall be continued to July 24, 2025;

9. The final pretrial conference shall be continued to September 8, 2025 at 1:30 p.m.;

and

10. The trial date shall be continued to November 4, 2025 at 9:00 a.m.

IT IS SO STIPULATED.¹

Dated: August 16, 2024

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Joseph E. Foss
JOSEPH E. FOSS
Attorneys for Defendant
Allstate Northbrook Indemnity Company

Dated: August 16, 2024

By /s/ Jonathan Amir Durham
JONATHAN AMIR DURHAM
Attorneys for Plaintiff
James Gloria

¹ The filer certifies that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

ORDER

Having considered the Stipulation and for good cause shown, IT IS HEREBY ORDERED that the Court's Scheduling Order (Docket No. 14) and Order Modifying the Briefing Schedule on Cross-Motions for Summary Judgment (Docket No. 16) be modified as follows:

1. The parties' cross-motions for summary judgment shall be filed on or before January 22, 2025;

2. Any opposition to the parties' cross-motions for summary judgment shall be filed on or before February 19, 2025;

3. Any reply brief in support of the parties' cross-motions for summary judgment shall be filed on or before March 4, 2025;

4. The hearing date for the parties' cross-motions for summary judgment shall be scheduled for March 17, 2025 at 1:30 p.m.;

5. The deadline to disclose experts and produce expert reports shall be continued to June 4, 2025;

6. The deadline to disclose rebuttal experts and produce rebuttal expert reports shall be continued to July 3, 2025;

7. The discovery completion date shall be continued to July 17, 2025;

8. The deadline to file all motions, except motions for continuances, temporary restraining orders, or other emergency applications, shall be continued to July 24, 2025;

9. The final pretrial conference shall be continued to September 8, 2025 at 1:30 p.m.;
and

10. The trial date shall be continued to November 4, 2025 at 9:00 a.m.

IT IS SO ORDERED.

DATED: August 19, 2024.



CHIEF UNITED STATES DISTRICT JUDGE